

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

OTSUKA PHARMACEUTICAL CO., LTD.,)	
)	
Plaintiff,)	
)	
v.)	
)	
ALKEM LABORATORIES LIMITED, et al.,)	Civil Action No.: 1:15-cv-08305-JBS-KMW
)	Civil Action No.: 1:16-cv-06067-JBS-KMW
Defendants.)	
)	
)	

STIPULATED CONSENT JUDGMENT AND INJUNCTION

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff Otsuka Pharmaceutical Co. Ltd. and Defendants Alkem Laboratories Limited and Ascend Laboratories, LLC, through their undersigned counsel of record, that:

1. Plaintiff has asserted claims of infringement of U.S. Patent No. 8,017,615 (“the ’615 patent”), U.S. Patent No. 8,580,796 (“the ’796 patent”), U.S. Patent No. 8,642,760 (“the ’760 patent”) and U.S. Patent No. 9,359,302 (“the ’302 patent”) (collectively, the “Otsuka Patents”) against Alkem in the present actions.

2. Plaintiff has alleged that the Otsuka Patents would be infringed by any manufacture, sale, offer for sale, use or importation in the United States of the generic product that is the subject of Defendants’ Abbreviated New Drug Application (“ANDA”) No. 207105.

3. Defendants and anyone acting on the behalf of any of Defendants, except as expressly licensed by Plaintiff, will be enjoined until expiration of the Otsuka Patents from (i) making, using, offering to sell, selling or importing any aripiprazole tablet product pursuant to Alkem’s ANDA No. 207105 in the United States; (ii) participating in the profits from making,

using, offering to sell, selling or importing any aripiprazole tablet product pursuant to Alkem's ANDA No. 207105 in the United States; and (iii) indemnifying others with respect to any making, using, offering to sell, selling or importing any aripiprazole tablet product in the United States.

4. Each party will bear its own attorneys' fees and costs.

5. This Court will retain jurisdiction to enforce this Consent Judgment and Injunction and the parties' related agreements resolving this matter.

Date August 17, 2017

Respectfully submitted,

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Laboratories Limited and Ascend
Laboratories, LLC*

ORDER

SO ORDERED:

This 22nd day of August, 2017

Jerome B. Simandle
JEROME B. SIMANDLE
UNITED STATES DISTRICT JUDGE